

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1268

Introduced by Assembly Member Wiggins
(Coauthor: Assembly Member Firebaugh)

February 21, 2003

An act to add Section 65302.4 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1268, as amended, Wiggins. Land use.

Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. The law requires the plan to include a specified land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, and other categories of public and private uses of land.

~~This bill would require, upon revision of a city or county's land use element of a general plan to add additional land for residential development, the city or county to consider the need for public lands that include, but are not limited to, parks, open spaces, schools, fire and police stations, and libraries.~~

This bill would require, by January 1, 2005, with certain exceptions, every city, county, and city and county to designate within a general plan one or more growth zones where the jurisdiction intends to extend infrastructure services over a 20-year period. It would require a city,

county, or city and county to adopt findings by January 1, 2005, that the adopted growth zone or an exemption from adopting the growth zone meets the requirements of the bill. It would also prohibit extension of infrastructure services beyond the growth zone after adoption of the findings that the growth zone meets the requirements of the bill. The bill would require each city, county, and city and county to adopt an inclusionary housing program by January 1, 2005, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65302.4 is added to the Government
- 2 Code, to read:
- 3 ~~65302.4. Upon the revision of a city or county's land use~~
- 4 ~~element of a general plan to add additional land for residential~~
- 5 ~~development, the city or county shall consider the need for public~~
- 6 ~~lands that include, but are not limited to, parks, open spaces,~~
- 7 ~~schools, fire and police stations, and libraries.~~
- 8 65302.4. (a) Except as provided in subdivision (e), every city,
- 9 county, and city and county shall designate, within the general
- 10 plan adopted pursuant to Section 65300, one or more growth zones
- 11 within the jurisdiction by January 1, 2005. Each growth zone shall
- 12 be an area where the jurisdiction intends to extend infrastructure
- 13 services over a 20-year period to accommodate projected growth
- 14 in order to provide certainty for development. These infrastructure
- 15 services shall include, but not be limited to, water supply,
- 16 wastewater treatment capacity and disposal, public
- 17 transportation, recreation, roadway and treatment capacity and
- 18 planned facilities, storm drainage, energy, waste disposal,
- 19 administration, and other services.
- 20 (b) The designation of a growth zone shall be based upon all of
- 21 the following:

1 (1) *An analysis of the existing and planned infrastructure*
2 *services and an analysis of the fiscal resources expected to be*
3 *available from local, state, federal, regional, and private sources*
4 *to expand, construct, maintain, and rehabilitate infrastructure*
5 *services, within the growth zone over a 20-year period.*

6 (2) *An analysis of physical constraints on development within*
7 *the growth zone, including, but not limited to, prime agricultural*
8 *lands, agricultural lands of state and local importance, creeks,*
9 *lakes, riparian areas, wetlands, forest lands, wildlife habitat for*
10 *species of concern, scenic resources, lands for resource extraction,*
11 *areas of natural hazards, and any other areas designated in the*
12 *open space and conservation elements pursuant to Section 65302.*

13 (3) *An analysis of the capacity for infill development in*
14 *urbanized areas, including, but not limited to, unused existing*
15 *lands that are already zoned for development, unused land that*
16 *could be used for an appropriately higher development intensity*
17 *than permitted by existing zoning, under-utilized lands that are*
18 *zoned for development and are suitable for higher-intensity*
19 *development, and redevelopment areas.*

20 (4) *An analysis of incentives that the local government could*
21 *provide to encourage infill and inclusionary housing development*
22 *consistent with subdivision (g).*

23 (5) *A determination that development within the growth zone is*
24 *consistent with the priorities specified in Section 65041.1.*

25 (c) *The growth zone shall be in effect for a period of not less*
26 *than 20 years, although a city, county, or city and county may*
27 *evaluate the adequacy of the growth zone every 10 years and may*
28 *modify the growth zone at that time.*

29 (d) *The growth zone shall be determined after consultation with*
30 *the local agency formation commission.*

31 (e) *The requirements of subdivision (a) shall not apply to any*
32 *city, county, or city and county that is restricted from developing*
33 *land beyond that specified in a ballot measure or local ordinance*
34 *adopted prior to January 1, 2003, or to any city with boundaries*
35 *entirely coterminous with one or more adjacent jurisdiction or*
36 *geographic feature that prevent annexation.*

37 (f) *A city, county, or city and county shall adopt findings, based*
38 *upon substantial evidence in the record, by January 1, 2005, that*
39 *the designated growth zone, or an exemption from the designation*
40 *of a growth zone pursuant to subdivision (e), meets the*

1 requirements of this section. A jurisdiction that adopts findings
2 that the designation of a growth zone meets the requirements of this
3 section may not extend infrastructure services beyond the growth
4 zone.

5 (g) Unless a city, county, or city and county adopts findings,
6 based upon substantial evidence in the record, that the jurisdiction
7 has adopted an inclusionary housing program substantially
8 similar to the requirements of this subdivision prior to January 1,
9 2004, each city, county, or city and county shall adopt an
10 inclusionary housing program by January 1, 2005, that ensures
11 that no less than 20 percent of the residential units approved in that
12 jurisdiction, averaged over successive three-year periods, are
13 affordable to very low and low-income households.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 a local agency or school district has the authority to levy service
17 charges, fees, or assessments sufficient to pay for the program or
18 level of service mandated by this act, within the meaning of Section
19 17556 of the Government Code.

